

601 KAR 13:110. Driver education programs.

RELATES TO: KRS 45A.365, 186.018, 186.410, 186.535, 186.574, 189A.010(2), 189A.410, 332.204, 332.206, 332.210

STATUTORY AUTHORITY: KRS 186.400(1), 186.574(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186.400(1) authorizes the Transportation Cabinet to promulgate administrative regulations regarding the licensing of a motor vehicle operator. KRS 186.574 requires the Transportation Cabinet to promulgate administrative regulations regarding the supervision and operation of state traffic schools for new drivers and traffic offenders. This administrative regulation establishes the minimum standards for a new driver state traffic school. This administrative regulation also designates those persons eligible for a new driver education program, establishes the application and approval procedures to teach the program for private driving schools, and establishes the method of notification to the cabinet of completion of the program.

Section 1. State Traffic School. (1) The Transportation Cabinet shall establish a separate curriculum and class for the new driver state traffic school, or graduated driver licensing education, and the traffic offender state traffic school. (2) The Transportation Cabinet shall select instructors and secure classroom locations for the state traffic schools established in KRS 186.574(1).

(3) The Transportation Cabinet shall conduct at least two (2) new driver state traffic schools in each Kentucky county during each calendar year.

(4) A person eligible for new driver state traffic school may:

(a) Attend class in a classroom setting free of charge as established in KRS 186.410(4)(c);
or

(b) Attend class by accessing a cabinet-approved traffic school Web site.

(5) The traffic school Web site shall be offered by a vendor selected by the cabinet pursuant to the competitive bidding process established in KRS 45A.365.

(6) A vendor shall charge a convenience fee for the use of the vendor's on-line driver education course.

Section 2. High School Driver Education Course. If a high school in Kentucky offers a driver education course for credit to its students, the school shall notify the Transportation Cabinet of a student who receives credit for successfully completing the course. The notice shall contain the following information:

(1) Student's name;

(2) Student's Social Security or operator's license number;

(3) School district;

(4) Name of high school;

(5) Copy of the certification of course completion and credit given;

(6) Date of course completion; and

(7) Name and telephone number of person at school to contact.

Section 3. Licensed Driver Training Schools. (1) A driver training school licensed pursuant to KRS 332.204 shall apply to the Transportation Cabinet for approval to conduct a driver training program if the driver training school:

(a) Has been licensed for the prior two (2) calendar years;

(b) Is operated by a person with a driver education teaching certification from the Kentucky Department of Education who has taught driver education pursuant to that endorsement for a

minimum of two (2) years;

(c) Is operated by a person who has taught driver education at a school approved as established in KRS 332.204 for a minimum of five (5) years;

(d) Has at least twenty (20) office hours each week routinely staffed by a person familiar with the school's curriculum and requirements; or

(e) Uses a curriculum that meets the requirements of Section 4(6) of this administrative regulation.

(2) The applicant shall submit the following to the Transportation Cabinet, Division of Driver Licensing:

(a) A detailed copy of the curriculum used, including a copy of handouts and audio or video material;

(b) The resume of each instructor proposed to teach the course;

(c) The business address, telephone number, and office hours;

(d) A copy of the certificate issued pursuant to KRS 332.206; and

(e) A fee of \$300 as established in KRS 332.204(2) to pay for the initial evaluation of the application.

Section 4. Class Requirements. (1) A class offered pursuant to KRS 186.410(4)(b) or (c) in a classroom setting shall be limited to a maximum of fifty (50) students.

(2) A class shall contain a minimum of four (4) hours of highway safety training that shall include an administrative activity related to the class.

(3)(a) A Transportation Cabinet approved preclass and postclass test shall be administered to students and the results tabulated for each class taught.

(b) The results and the attendance roster shall be submitted to the Transportation Cabinet, Division of Driver Licensing.

(4) The school shall notify the Transportation Cabinet of a student who successfully completes the course. The notice shall contain the following information:

(a) Student's name;

(b) Student's Social Security or operator's license number;

(c) Name of school;

(d) Date of course completion;

(e) Course instructor; and

(f) The name and telephone number of a person at school to contact.

(5) The curriculum taught to each class shall consist of the following:

(a) A section on the dangers of alcohol and drugs that shall last for a minimum of forty-five (45) minutes and include:

1. Information about Kentucky's "Under 21" license and implied consent law;

2. Types of substances that impair driving ability;

3. Blood alcohol content and the presumptive levels established in KRS 189A.010(2);

4. Legal, monetary, and social sanctions or penalties for the conviction of a violation of KRS 189A.010(1);

5. Restricted criteria for obtaining a hardship license as established in KRS 189A.410;

6. Psychological and physiological effects of alcohol consumption;

7. The penalties in foreign countries for operating a motor vehicle under the influence of alcohol; and

8. National and state statistics related to alcohol or drug use while operating a motor vehicle;

(b) A section on defensive and perceptive driving that shall last for a minimum of forty-five (45) minutes and include:

1. Traits of safe drivers;
2. Mental skills needed for safe driving;
3. The "Scan Identify Predict Decide Execute" (SIPDE) approach to perceptive driving;
4. Driving emergencies including:
 - a. Brake or tire failure;
 - b. Skidding;
 - c. Stuck accelerator; and
 - d. Running off the roadway;
5. Information on crash-producing locations or situations; and
6. Information on seatbelt usage that shall last a minimum of thirty (30) minutes and include:
 - a. Kentucky's seatbelt law;
 - b. Kentucky's child restraint law;
 - c. Information on vehicle airbags; and
 - d. The number of fatalities and injuries in crashes from not wearing seatbelts;
- (c) Driver behavior training that shall last for a minimum of forty-five (45) minutes and include:
 1. Information on the physical, social, and mental skills required by driving;
 2. Personality changes that occur while driving;
 3. How driving behaviors and reaction are related to attitude;
 4. Need for and importance of self-control while driving; and
 5. National, state, and local statistics on vehicle crashes; and
- (d) A presentation for a minimum of thirty (30) minutes on the rules of the road that shall include:
 1. The purpose and significance of the Graduated Driver Licensing Program;
 2. The role of the Division of Driver Licensing in maintaining driving records;
 3. The content of driving records available to insurance companies;
 4. Recognition of the need for and purpose of traffic laws;
 5. The most commonly violated traffic laws;
 6. Speeding as a major contributing factor in vehicle crashes; and
 7. Sanctions or penalties assessed for violating traffic laws.

Section 5. Instructor Requirements. (1) An instructor employed to teach the driver education class shall:

- (a) Be at least twenty-one (21) years of age;
 - (b) Have a four (4) year college degree. Experience as a professional driver education instructor may substitute year for year for the college education;
 - (c) Not have been convicted of a felony;
 - (d) Not have been convicted of a violation of KRS 189A.010 or its equivalent from another jurisdiction;
 - (e) Not have been convicted or administratively found guilty of refusing to submit to a test to determine blood alcohol content or drugs in system;
 - (f) Have fewer than six (6) penalty points as established in 601 KAR 13:025 on his or her driving history record;
 - (g) Not have had his or her driving privilege withdrawn in the past five (5) years; and
 - (h) Have good communication skills as demonstrated during an interview.
- (2) The approved school shall review the driving history record of an instructor annually.

Section 6. Evaluations. (1) The Transportation Cabinet shall perform a random or routine performance audit of an approved school or its instructor.

(2) A school shall be notified in writing of a deficiency discovered in an audit. The deficiency shall be corrected prior to its next scheduled class or the school's approval shall be withdrawn by the Transportation Cabinet.

(3) The license of a driver training school or instructor shall be suspended or revoked as established in KRS 332.210.

(4) A representative from the Transportation Cabinet may monitor, without cost, a class taught by the driver training school. (23 Ky.R. 2639; Am. 3032; 3349; 3567; eff. 3-4-97; 39 Ky.R. 1055; 1398; eff. 2-1-2013.)